

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN NICOL,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 16-202
)	Chief Judge Joy Flowers Conti/
RACHEL MOROCCO; ROBERT)	Chief Magistrate Judge Maureen P. Kelly
MOROCCO; MICHAEL J. DeRISO;)	
and JIM SMITH,)	
)	
Defendants.)	

ORDER

The above-captioned prisoner civil rights Complaint (the “Complaint”) was received by the Clerk of Court on February 24, 2016, and was referred to Chief United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules of Court, regarding Magistrate Judges.

The Magistrate Judge's Report and Recommendation (the “Report”), ECF No. 6, filed on March 11, 2016, recommended that Plaintiff’s Complaint be dismissed for failure to state a claim upon which relief can be granted pursuant to the screening provisions of the Prison Litigation Reform Act (“PLRA”). Service was made on Plaintiff at his address of record. Plaintiff was given until March 28, 2016 to file Objections. No Objections were filed.

Accordingly, after *de novo* review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of April, 2016;

IT IS HEREBY ORDERED that the Complaint is dismissed pursuant to the Prison Litigation Reform Act for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Report and Recommendation, ECF No. 6, filed on March 11, 2016, by Chief Magistrate Judge Kelly, is adopted as the opinion of the Court. The Clerk is to mark the case closed. Any amendment of the Complaint would be futile.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
CHIEF UNITED STATES DISTRICT JUDGE

Date: April 6, 2016

cc: The Honorable Maureen P. Kelly
Chief United States Magistrate Judge

KEVIN NICOL
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